

EN BANC

[A.M. No. P-20-4062 (Formerly OCA IPI No. 15-4392-P), October 13, 2020]

HON. ROSALIE D. PLATIL, PRESIDING JUDGE, MUNICIPAL TRIAL COURT, MAINIT, SURIGAO DEL NORTE, COMPLAINANT, VS. MEDEL M. MONDANO, CLERK OF COURT II, MUNICIPAL TRIAL COURT, MAINIT, SURIGAO DEL NORTE, RESPONDENT.

DECISION

PER CURIAM:

The Case

For resolution is the administrative complaint^[1] against Medel M. Mondano (respondent), Clerk of Court II of the Municipal Trial Court (MTC) – Mainit, Surigao del Norte filed by complainant, Presiding Judge Rosalie D. Platil (Presiding Judge Platil), of the same court for Grave Misconduct, Dishonesty, Gross Neglect of Duties, Conduct Prejudicial to the Best Interest of the Service, Flagrant Disregard of Office of the Court Administrator's (OCA's) Circulars, Misappropriation and Habitual Absenteeism.

The Antecedents

On March 5, 2015, the OCA received a Letter-Complaint^[2] dated January 8, 2015 from Presiding Judge Platil charging respondent for Grave Misconduct, Dishonesty, Gross Neglect of Duties, Conduct Prejudicial to the Best Interest of the Service, Flagrant Disregard of OCA Circulars, Misappropriation and Habitual Absenteeism. In his Letter-Complaint, Presiding Judge Platil strongly recommended initially that respondent be dropped from the rolls.^[3]

Thereafter, Presiding Judge Platil sent another Letter^[4] dated February 6, 2015 modifying his previous recommendation from dropping from the rolls to dismissal from the service with forfeiture of retirement benefits except accrued leave credits and disqualification from re-employment in government service.^[5] Presiding Judge Platil likewise attached a copy of a Memorandum^[6] dated February 2, 2015 addressed to respondent citing the following additional infractions: failure to submit monthly report on collections, failure to remit collections, additional absences without leave and non-submission of his Daily Time Record (DTR).

In its Indorsement^[7] dated March 17, 2015, the OCA referred the Letter-Complaint to respondent for comment. However, respondent failed to file any comment thereto. Thus, OCA sent two Letters dated January 28, 2016^[8] and May 5 ,

2016^[9] directing respondent to comment on the Letter-Complaint. However, despite proof that he received the Letters and the repeated directives of the OCA, respondent still did not submit his comment.^[10]

Notably, respondent has already been dropped from the rolls pursuant to the Court's Resolution dated August 3, 2015 in A.M. No. 15-05-46-MTC due to respondent's failure to submit his DTR and any leave application for the month of September 2014 up to the date of the issuance of the resolution.^[11]

The Facts

The facts of the case are summarized by the OCA in its Agenda Report^[12] dated June 8, 2020, as follows:

On 8 February 2013, shortly after x x x [Presiding Judge Platil] assumed her post, it was discovered that respondent x x x did not turn over to the winning party in Civil Case No. 617 the money entrusted to him by the losing party in the amount of P12,500.00. A Memorandum dated 12 February 2013 was issued to respondent x x x regarding the matter. In his Reply to the 12 February 2013 Memorandum, respondent admitted the infraction but claimed that he had already returned the full amount of P12,500.00 to Laarni Ellar, the complainant in the case.

However, upon verification from Ms. Ellar thru a letter dated 19 April 2013, x x x [Presiding Judge Platil] learned that respondent x x x only returned P5,000.00. Further, respondent x x x lied when he signed and certified on the last page of the Docket Inventory Forms for July-December 2012, January-June 2013 and July-December 2013 that he personally examined the records of each case mentioned therein. It was only when his attention was called that he examined the said records and signed the last page of the inventory form for the January-June 2014 semester.

In 2013 alone, respondent x x x was always absent from work and did not file any application for leave on the following dates: February 4-8, April 1-June 4 and June 13-14. He belatedly submitted applications for leave covering the said periods but only thirty (30) days were approved and the rest of his absences were considered as unauthorized.

Respondent x xx was remiss in the performance of his duties. Despite knowledge of existing Circulars issued by the Office of the Court Administrator (OCA) requiring the submission of monthly financial reports, he willfully failed to comply and eventually received a warning letter from the Chief of the Financial Management Office, OCA, and a show cause order from the OCA.

On 19 February 2013, x x x [Presiding Judge Platil] requested a financial audit which was conducted in July 2013. In tire exit conference following

the audit, the head of the audit team informed the court that respondent x x x committed the following infractions:

- 1) Non-submission of financial reports.
- 2) Delayed and non-remittance of collections.
- 3) Non-issuance of official receipts for the entire P1,000.00 sheriffs fee collected.
- 4) Cancellation of some official receipts.
- 5) Failure to sign official receipts rendering them incomplete.

Even in the absence of an official report, the working paper of the audit on the fiduciary fund showed that some cash bonds were belatedly deposited by respondent x x x while others remained undeposited as of the time of audit.

On the charge of misappropriation, respondent x x x took half of the cash bond posted by accused Henry Behagan in Criminal Case No. 3867. The cash bond was ordered released on 7 August 2012, but the wife of the accused claimed that only P5,000.00 was released by respondent x x x in May 2013, after countless visits to the court. The other half (P5,000.00) was given only on 15 July 2013 when the anomaly was discovered during the financial audit. Incidentally, the working paper of the audit team showed that the bond in Criminal Case No. 3867 was among the collections not remitted by respondent x x x.

In Criminal Case No. 3878, *People vs. Senior Ortoyo and Ricardo Ruiz*, the cash bonds were collected on 2 May 2014 and 23 July 2014, but remained undeposited even after the accused had already been ordered released. It was only on 18 December 2014, more than a month after their release, that the accused actually received their cash bonds. Respondent x x x went on absence without official leave (AWOL) from 25 November 2014 to 19 December 2014 and this added to the delay in the release of the cash bonds.

[Presiding Judge Platil] described respondent x x x as irresponsible and lazy, to the point that the latter could not even prepare his own Daily Time Record (DTR). He has not submitted his DTRs since September 2014 to date (02 February 2015), resulting in the withholding of his salaries. There were occasions too when it was the stenographers who prepared financial reports.

Respondent x x x is also a habitual absentee. He incurred unauthorized absences in 1-5, 7-11 July 2014 (9 days), and only reported for work on 17 and 24 in November 2014 (18 days).

Despite all his infractions in 2013, [Presiding Judge Platil] still gave respondent x x x a chance to redeem himself after he asked for forgiveness and promised to change. Thus, [Presiding Judge Platil] withheld the recommendation that respondent's] x x x name be dropped from the rolls. However, respondent x x x again failed to submit the required financial reports. The last financial reports he submitted were

for March 2014 and the last deposit he made was on 12 May 2014. Photocopy of the fiduciary passbook shows that the last cash bond he deposited was the one paid on 24 April 2014, but deposited only on 12 May 2014. The rest of the cash bonds he collected after 24 April 2014 have yet to be deposited with the Land bank. To cite a few:

Amount	O.R. No.	Date Collected	Payee	Criminal Case No.
P10,000.00	8522199	5-2-14	Ortoyo	3578
P12,000.00	8522200	5-12-14	Casupas	3882
P 5,000.00	8174351	7-23-14	Ruiz	3878

The OCA's Recommendation

Accordingly, upon the evaluation of the foregoing facts, the OCA concluded that respondent should be penalized for grave misconduct, gross neglect of duty, dishonesty, and gross insubordination, which read as follows:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

1. the instant administrative complaint be RE-DOCKETED as a regular administrative matter against respondent Medel M. Modano, former Clerk of Court II, Municipal Trial Court, Mainit, Surigao del Norte; and
2. respondent former Clerk of Court Mondano be found **GUILTY** of Grave Misconduct, Gross Neglect of Duty, Dishonesty, and Gross Insubordination and be ordered **DISMISSED** from service, but considering that he has been dropped from the rolls effective 1 September 2014 for having been absence without official leave (AWOL) (sic), that respondent former Clerk of Court Mondano be imposed instead the accessory penalties of **FORFEITURE** of all benefits, except accrued leave credits, if any, and **PERPETUAL DISQUALIFICATION** from re-employment in any government instrumentality, including government-owned and controlled corporations.^[14]

The Court's Ruling

This Court finds in order the findings and evaluation of the case by the OCA that there is compelling evidence to dismiss respondent from the service for grave misconduct, gross neglect of duties, dishonesty, habitual absenteeism and even gross insubordination.

This Court has repeatedly stressed the crucial role that the Clerk of Court plays in

our judicial system. The Clerk of Court's office is the nucleus of all court activities, adjudicative and administrative and their administrative functions are as vital to the prompt and proper administration of justice as their judicial duties.^[15] Accordingly, clerks of court, as the chief administrative officers of their respective courts, must act with competence, honesty and probity in accordance with their duty of safeguarding the integrity of the court and its proceedings ^[16]

RESPONDENTS DELAYED REMITTANCE AND NON-REMITTANCE OF COURT COLLECTIONS, AND NON-SUBMISSION OF FINANCIAL REPORTS CONSTITUTE GROSS DISHONESTY, GRAVE MISCONDUCT, AND GROSS NEGLECT OF DUTY.

Clerks of Court perform delicate functions with regard to the collection of legal fees, and as such, are expected to implement regulations correctly and effectively. As custodians of court funds, they are constantly reminded to deposit immediately the funds which they receive in their official capacity to the authorized government depositories for they are not supposed to keep such funds in their custody.^[17] In this regard, the Court has issued several guidelines to ensure that proper and strict procedures are observed in the collection and management of government funds to promote full accountability.

In particular, SC Administrative Circular No. 3-2000 provides for the duty of the clerk of court to receive collections in their respective courts, to issue the proper receipt therefor and maintain a separate cash book.^[18] In addition, SC Circular No. 50-95 provides that all collections from bailbonds, rental deposits and other fiduciary collections shall be deposited with the Land Bank of the Philippines by the clerk of court concerned within 24 hours from receipt.^[19] In localities where there are no branches of LBP, fiduciary collections shall be deposited by the clerk of court with the provincial, city or municipal treasurer. Complimentary to these, OCA Circular No. 113-2004^[20] requires clerks of court to submit monthly reports for three funds, namely, Judiciary Development Fund, Special Allowance for the Judiciary and Fiduciary Fund.

In the instant case, the OCA correctly ruled that respondent should be held administratively liable for his delayed/total failure to deposit cash bonds posted by litigants and collected by the MTC, and for his failure to submit the monthly financial reports to the OCA.^[21]

In a Letter^[22] dated January 22, 2013, the Financial Management Office of the OCA brought to the attention of respondent that his quarterly Reports of Collections and Deposits for General Fund for the 1st Quarter of 2009 until January 2013 have not yet been submitted with a warning that his continued failure to comply shall mean the withholding of his salaries and allowances. In another Letter^[23] dated February 14, 2013, the OCA directed respondent to show cause why his salaries should not be withheld for failure to comply with OCA Circular No. 113-2004 regarding the submission of the Monthly Reports of Collections, Deposits and Withdrawals.

Due to the several infractions committed by respondent involving the collections and